

*Government Notice No. 210 of 2019***THE EMPLOYMENT RELATIONS ACT****Regulations made by the Minister under section 93 of  
the Employment Relations Act**

1. These regulations may be cited as the Domestic Workers (Remuneration) Regulations 2019.

2. In these regulations –

“caretaker” means an employee who is employed in an apartment house and is required to perform one or more of the following duties –

- (a) clean and maintain the yard of an apartment house;
- (b) clean and maintain the common parts of the apartment house, including staircases;
- (c) check all the lights of the apartment house and replace fused bulbs;
- (d) clean and maintain all drain pipes, outlets, manholes, grease traps, gullies and other related equipment;
- (e) clean and disinfect all water tanks and garbage dumps;
- (f) operate electric water pumps;
- (g) any other cognate duties;

“cook” means an employee who is required to perform one or more of the following duties –

- (a) prepare and cook food for the household members and guests;
- (b) serve food to the household members and guests;
- (c) be responsible for –

- 
- (i) the cleanliness of the place of work; and
  - (ii) the cleanliness of the crockeries, cutleries, plates and utensils under his care;
- (d) perform any other cognate duties;
- “domestic employee” means –
- (a) an employee listed in the first column of the Second Schedule; but
  - (b) does not include an employee –
    - (i) whose basic wage or salary is at a rate exceeding 600,000 rupees in a year, except in relation to –
      - (A) Part II of the First Schedule; and
      - (B) sections 5, 26, 32, 33, 34, 49, 50, 52, 53, 54 and Parts VI, VII, VIII and XI of the Workers’ Rights Act 2019;
    - (ii) whose conditions of employment are governed by the provisions of any other Remuneration Regulations;
    - (iii) employed by a statutory body or a local authority, as the case may be, whose conditions of employment are governed by the recommendations made by the Pay Research Bureau or a salary commission, by whatever name called;
- “driver” means an employee who holds a driving licence and who is required to perform one or more of the following duties –
- (a) drive a car for the transport of members of the household or any other person at the request of the employer;
  - (b) run errands;

- (c) be responsible for the daily maintenance and cleanliness of the car;

“gardener” means an employee who is required to perform one or more of the following duties –

- (a) plant, treat and cultivate flowers, shrubs, trees and vegetables;
- (b) mow lawns;
- (c) trim hedges;
- (d) maintain paths and gardens;

“*garde-malade*” means an employee who is employed for the purpose of looking after a sick or a disabled person;

“house” –

- (a) means a private dwelling or a bungalow; and
- (b) includes the land attached to the private dwelling or bungalow;

“household employee” means an employee who is required to perform one or more of the following duties —

- (a) undertake manual work in a house;
- (b) run errands;
- (c) babysit;

“household employee/cook” means an employee who is required to perform one or more of the duties of a cook and of a household employee;

“part-time employee” means a domestic employee whose normal weekly working hours are less than those specified at paragraph 1 of Part I of the First Schedule;

“reasonable business grounds” means –

- (a) inability or impracticability to reorganise working arrangements of existing employees;
- (b) a detrimental effect on the ability to meet customers’ demand;

“watchperson” means an employee who –

- (a) keeps watch over premises and property; and
- (b) carries out periodic inspection tours within the premises and keeps appropriate records.

**3.** (1) Subject to the other provisions of these regulations and regulation 7, every domestic employee shall be –

- (a) governed by the conditions of employment specified in –
  - (i) the Workers’ Rights Act 2019; and
  - (ii) the First Schedule;
- (b) remunerated at the rates specified in the Second Schedule.

(2) Where the conditions of employment in the Workers’ Rights Act 2019 are different from those in the First Schedule, the conditions specified in the First Schedule shall prevail.

(3) The rates specified in the Second Schedule include –

- (a) the appropriate national minimum wage payable under the National Minimum Wage Regulations 2017; and
- (b) the additional remunerations payable under the Additional Remuneration and Other Allowances

(2018) Act 2017 and the Additional Remuneration and Other Allowances (2019) Act 2018.

4. Every employee shall be entitled to a rest of not less than 11 consecutive hours in any day.
5. Where an employer employs more than one watchperson, the terms and conditions of employment of the watchpersons shall be governed by the Private Security Services Employees (Remuneration) Regulations 2019.
6. Notwithstanding paragraphs 1(3) and 2(2) of the First Schedule for a period ending 31 December 2019 –
  - (a) the normal working week for a watchperson, shall consist of 72 hours' work, made up of 6 days of 12 hours, including time allowed for meal and tea breaks; and
  - (b) the watchperson referred to in paragraph (a) shall be remunerated at one and a half times the basic rate for every additional hour of work after the performance of 12 hours' work in every day.
  - (c) the basic hourly rate of a watchperson shall be computed on the basis of 12 hours' work in a day.
7. Nothing in these regulations shall –
  - (a) prevent an employer from –
    - (i) providing a domestic employee with conditions of employment which are more favourable than those specified in the First Schedule; or
    - (ii) remunerating the domestic employee at a rate higher than that specified in the Second Schedule;
  - (b) authorise an employer to –

- (i) reduce the wages of a domestic employee; or
  - (ii) subject to section 57 of the Employment Relations Act, alter the conditions of employment of the domestic employee so as to make them less favourable.
- 8.** The Domestic Workers (Remuneration) Regulations 2010 are revoked.
- 9.** These regulations shall come into operation on 24 October 2019.

Made by the Minister on 17 October 2019.

---

**FIRST SCHEDULE**

[Regulations 2, 3, 6 and 7]

**CONDITIONS OF EMPLOYMENT****PART I – GENERAL CONDITIONS****1. Normal working hours**

(1) A normal working week for a domestic employee, other than a *garde-malade*, shall be of 48 hours.

(2) A normal working day for every domestic employee, other than a watchperson and a *garde-malade*, shall be of 8 hours to be performed between 6 a.m. and 10 p.m..

(3) The normal working day for a watchperson shall consist of 8 hours.

(4) The normal working day for a *garde-malade* shall consist of 12 hours.

(5) Except where his services are required in special circumstances, a domestic employee shall be entitled to one rest day in any working week, and the rest day shall, at least twice a month, be a Sunday.

**2. Extra work**

(1) Subject to paragraph 3, a domestic employee, other than a watchperson and a *garde-malade*, shall be remunerated at –

- (a) one and a half times the basic rate for work done in excess of 8 hours or after 10 p.m. on any day other than a public holiday;
- (b) twice the basic rate for the first 8 hours' work performed on a public holiday before 10 p.m.;

- 
- (c) 3 times the basic rate for work done in excess of 8 hours or after 10 p.m. on a public holiday.
- (2) Subject to subparagraph (3), a watchperson who –
    - (a) performs more than 48 hours or such lesser stipulated number of hours in any week, not being hours of work referred to in sub subparagraph (b), shall be remunerated at one and a half times the basic rate for every additional hour of work;
    - (b) works on a public holiday shall be remunerated –
      - (i) for the first 8 hours, at twice the basic rate;
      - (ii) thereafter, at 3 times the basic rate.
- (3) For the purpose of computation of extra work, any authorised leave, including injury leave shall be deemed to constitute attendance at work.

- (4) Subject to subparagraph (3), a *garde-malade* who –
  - (a) performs more than a normal day's work on any day, other than a public holiday, shall be remunerated at one and a half times the basic rate;
  - (b) works on a public holiday shall be remunerated –
    - (i) for the first 12 hours, at twice the basic rate;
    - (ii) thereafter, at 3 times the basic rate.

### **3. Payment of remuneration for work performed on public holidays**

- (1) Every domestic employee shall be entitled to a normal day's pay in respect of every public holiday, other than a Sunday, that occurs on any of his normal working days.



(2) Where a domestic employee is required to work on a public holiday, other than a Sunday, he shall be paid, in addition to the normal day's pay provided for under subparagraph (1), any remuneration due under paragraph 2.

(3) Any agreement by a domestic employee, other than a collective agreement under section 57 of the Employment Relations Act, to relinquish his right to a paid public holiday or to forego such leave shall be null and void.

#### **4. Meal allowance**

(1) Where a domestic employee is required to work –

- (a) beyond 6 p.m. after the completion of a normal day's work;
- (b) at a place other than his normal place of work,

that employee shall, in addition to any payment due under paragraph 2, be provided with an adequate free meal or a meal allowance of 85 rupees.

(2) Every employer shall make necessary arrangement for the provision of an adequate free meal in circumstances in which the domestic employee may otherwise be deprived of a meal.

(3) The meal allowance shall be paid to the domestic employee before the performance of the extra work.

#### **5. Disturbance allowance**

(1) A domestic employee who is required by his employer to work at a place other than his normal working place shall be entitled to an allowance of not less than 50 rupees daily.

(2) No domestic employee shall be compelled by his employer to work in and stay outside his normal place of employment for a period exceeding 3 consecutive days.

## **6. Vacation leave**

(1) Subject to subparagraphs (2) and (3), a domestic employee, other than a migrant employee, who remains in continuous employment with the same employer for a period of at least 5 consecutive years shall be entitled to a vacation leave of not more than 30 days, whether taken consecutively or otherwise, for every period of 5 consecutive years, to be spent abroad, locally or partly abroad and partly locally.

(2) Subject to subparagraph (8), any subsequent eligibility period of 5 consecutive years shall be computed after the domestic employee resumes work after the vacation leave under subparagraph (1).

(3) Where a domestic employee would have been eligible to take vacation leave under the revoked Domestic Workers (Remuneration) Regulations 2010 prior to, or within a period of less than 5 years from, 24 October 2019, the employee shall, on completion of the prescribed period in the revoked regulations, be entitled to the vacation leave under subparagraph (1).

(4) The vacation leave shall be –

- (a) for a period of at least 6 consecutive days; and
- (b) with pay and such pay shall, in case the domestic employee opts to spend the leave wholly or partly abroad, be effected at least 7 working days before the domestic employee proceeds abroad.

(5) The vacation leave shall be deemed to constitute attendance at work and shall not be cumulative.

(6) A domestic employee shall, except in special circumstances, give not less than 3 months' notice when applying for the vacation leave and the leave shall, subject to reasonable business grounds, be acceded thereto by the employer.

(7) Where an employer cannot, on reasonable business grounds, accede to the request of a domestic employee under subparagraph (6) –

- (a) the domestic employee and the employer may agree on another period when the vacation leave is to be taken; or
- (b) in default of an agreement, the employer shall, pay to the domestic employee a normal day's wage in respect of each day's leave applied for and such payment shall be effected in the month the leave was due to start.

(8) Where a domestic employee is paid wages in lieu of the vacation leave under subparagraph (7), any subsequent eligibility period of 5 consecutive years shall be computed as from the date of payment of the leave.

## **PART II – HEALTH AND SAFETY CONDITIONS**

### **7. Protective clothing and equipment**

(1) Every employer shall provide –

- (a) 2 aprons every year to every household employee, cook or household employee/cook;

- (b) one pair of boots and 3 pairs of gloves every year to every gardener working under not less than a five-day week contract; and
- (c) a serviceable flashlight to every watchperson performing night duties.

(2) The protective clothing and equipment provided under subparagraph (1) shall remain the property of the employer.

---

**SECOND SCHEDULE**  
[Regulations 2, 3 and 7]

<b>Category of employee</b>	<b>Monthly basic wages (Rs)</b>	<b>Hourly basic rate (Rs cs)</b>
Cook	8,900	45.64
Gardener	8,900	45.64
Household employee	8,900	45.64
Household employee/Cook	8,900	45.64
Caretaker	8,900	45.64
Driver	9,969	47.93
<i>Garde-malade</i>	8,900	28.53
Watchperson	9,275	44.59

---